

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

Keith W. Nelms & Kathleen P. Nelms

Case No.: 17-10060

Judge: MBK

Chapter: 13

Debtor(s)

**Chapter 13 Plan and Motions**

☒ Original

☐ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: January 17, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 534 per month to the Chapter 13 Trustee, starting on February 1, 2017 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☒ Loan modification with respect to mortgage encumbering property:

Description: 119 Driftwood Lane, Lanoka Harbor, NJ 08734

Proposed date for completion: August 1, 2017

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ 1099.79/270.00 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Wells Fargo/Bank of America (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
George E. Veitengruber	Attorney Fees	\$2,000.00
IRS	Taxes	unknown
State of New Jersey	Taxes	unknown

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wells Fargo Home Mortgage	119 Driftwood Lane Lanoka Harbor NJ 08734	\$22,634.91	5.5%	\$0.00	\$1099.79
Bank of America		\$69,971.35	5.125%	\$0.00	\$270.00

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:  
Ally Financial

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*  
☐ Not less than \_\_\_\_\_ percent  
☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative Fees
- 3) Secured Creditors
- 4) Priority Claims
- 5) **Unsecured Creditors**

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: \_\_\_\_\_.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☒ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: January 17, 2017

/s/ George E. Veitengruber, III, Esq.

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: January 17, 2017

/s/ Keith W. Nelms

Debtor

Date: January 17, 2017

/s/ Kathleen P. Nelms

Joint Debtor

**Certificate of Notice Page 8 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Keith W. Nelms  
 Kathleen P. Nelms  
 Debtors

Case No. 17-10060-MBK  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 1  
 Total Noticed: 17

Date Rcvd: Jan 18, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 20, 2017.

db/jdb cr	+Keith W. Nelms, Kathleen P. Nelms, 119 Driftwood Lane, Lanoka Harbor, NJ 08734-2816 +THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO, C/O KOURY TIGHE LAPRES BISULCA & SOMMERS, 1423 Tilton Road, Suite 9, Northfield, NJ 08225-1857
516576918	+Bank of America Home Loans, 7105 Corporate Drive, Plano, TX 75024-4100
516576920	+Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
516576921	+First Credit Services, 377 Hoes Lanes, Suite 200, Piscataway, NJ 08854-4155
516576922	+First Data Merchant Svcs, 4000 Coral Ridge Drive, C-230, Pompano Beach, FL 33065-7614
516576924	+Lane Bryant, P.O. Box 182789, Columbus, OH 43218-2789
516576925	+N.J. Division of Taxation, Bankruptcy Section, P.O. Box 245, Trenton, NJ 08695-0245
516576926	+Ocean County Sheriff's Office, 120 Hooper Avenue, P.O. Box 2191, Toms River, NJ 08754-2191
516576927	+Phelan Hallinan Diamond & Jones PC, 400 Fellowship Road, #100, Mount Laurel, NJ 08054-3437
516576930	+Wells Fargo Bank N.A., 1 Home Campus, MAC X2303-01A, Des Moines, IA 50328-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

smg	E-mail/Text: usanj.njbankr@usdoj.gov Jan 18 2017 23:38:24 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 18 2017 23:38:22 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
516576919	+E-mail/Text: bankruptcy@usecapital.com Jan 18 2017 23:39:25 Capital Accounts LLC, P.O. Box 140065, Nashville, TN 37214-0065
516576923	E-mail/Text: cio.bncmail@irs.gov Jan 18 2017 23:37:55 Internal Revenue Service, P.O. Box 970011, Saint Louis, MO 63197
516576928	E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 18 2017 23:43:56 Portfolio Recovery Associates, 120 Corporate Boulevard, Suite 100, Norfolk, VA 23502
516576929	E-mail/Text: bankruptcy@senexco.com Jan 18 2017 23:37:19 Senex Services, 3333 Founders Road, 2nd Floor, Indianapolis, IN 46268

TOTAL: 6

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516576917	##+Amerassit AR Solutions, 8415 Pulsar Place, Suite 250, Columbus, OH 43240-4033
TOTALS: 0, * 0, ## 1	

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 20, 2017

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 17, 2017 at the address(es) listed below:

Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE FOR THE CWABS REVOLVING HOME EQUITY LOAN TRUST, SERIES 2004-Q dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
George E Veitengruber, III	on behalf of Debtor Keith W. Nelms Gveitengruberresq@gmail.com, knapolitanol5@gmail.com
George E Veitengruber, III	on behalf of Joint Debtor Kathleen P. Nelms Gveitengruberresq@gmail.com, knapolitanol5@gmail.com
U.S. Trustee.	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5